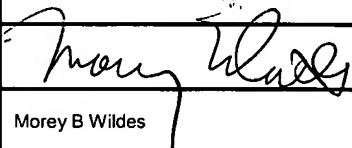
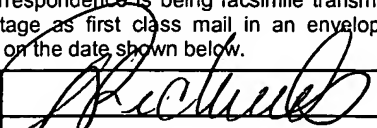


|   |    |                        |                   |
|---|----|------------------------|-------------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) |    | Application Number     | 10/550,584        |
|   |    | Filing Date            | March 2, 2004     |
|   |    | First Named Inventor   | SHINOZAKI, et al. |
|   |    | Art Unit               | Not Yet Known     |
|   |    | Examiner Name          | Not Yet Known     |
| Total Number of Pages in This Submission  | 12 | Attorney Docket Number | 382.1048          |

| ENCLOSURES (check all that apply)   |   |   |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) ____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>- Paper copy of Revised Sequence Listing;<br>- 1 Diskette containing Sequence Listing;<br>- Revised Application Data Sheet; and<br>- Return receipt postcard |
| <div style="border: 1px solid black; padding: 2px;">Remarks</div>   |   |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm                                       | Davidson Davidson & Kappel, LLC   |          |        |
| Signature                                  |  |          |        |
| Printed Name                               | Morey B Wildes  |          |        |
| Date                                       | October 28, 2005  | Reg. No. | 36,968 |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |                  |
|---|---|------|------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |      |                  |
| Signature   |  |      |                  |
| Typed or printed name   | Wendy Richards  | Date | October 28, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Applicants: Kazuko SHINOZAKI, et al.  
Application No.: 10/550,584  
International  
Appl. No.: PCT/JP04/002563  
International  
Filing Date: March 2, 2004  
For: **STRESS-INDUCIBLE PROMOTER  
AND METHOD FOR USING THE  
SAME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 28, 2005

**SECOND PRELIMINARY AMENDMENT**

S I R:

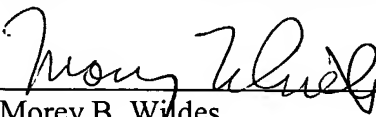
Preliminary to examination of the above-identified application, Applicants request that the United States Patent and Trademark Office substitute the Substitute Sequence Listing provided herewith in computer readable form (1 disk) and in paper form (6 pages), in conformance with 37 C.F.R. § 1.821-1.825, for the sequence listing that was filed on September 22, 2005 in computer readable form (1 disk) and paper form (6 pages).

The undersigned hereby states that the substitute sequence listing information recorded in computer readable form is identical to the written sequence listing submitted herewith, in accordance with 37 C.F.R. § 1.821(f), and contains no new matter beyond that which was submitted on September 22, 2005.

Applicants also submit herewith a revised Application Data Sheet to correct errors in the name and address of the second assignee in the Application Data Sheet filed on September 22, 2005.

Applicants respectfully submit that the claims presented are patentable. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
Morey B. Wildes  
Reg. No. 36,968

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